

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

60196

FILE: B-185260

DATE: November 19, 1975

9-7708

MATTER OF: T & D Transfer & Storage Company

DIGEST:

Protest concerning small business size status of bidder is not for consideration since conclusive authority over the question of bidder's size status is vested by statute in SBA.

T & D Transfer & Storage Company (T & D) protests the award of a contract to DeWitt Transfer & Storage Company (DeWitt) under Solicitation No. N00244-76-B-0259 issued by the Naval Supply Center, San Diego, California.

The solicitation was set aside exclusively for small business participation. The protester contends that since DeWitt does not qualify as a small business, DeWitt should not be awarded the contract.

Pursuant to 15 U.S.C. § 637(b)(6) (1970), the Small Business Administration (SBA) is empowered to determine a business concern's size status for procurement purposes. Offices of the Government having procurement powers must accept as conclusive any determination reached by SBA as to which concerns are to be designated as small business. Therefore, the SBA is the sole adjudicator of the size standard issue in question. See 53 Comp. Gen. 434, 435 (1973); B-181511, July 15, 1974, 74-2 CPD 29; and B-182548, November 20, 1974, 74-2 CPD 274.

In view of the foregoing, this matter is not for consideration by the General Accounting Office. Accordingly, we are closing our file on the matter without consideration of the merits of the protest.

for *Milton A. Fowler*
Paul G. Dembling
General Counsel

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